

Application Number: 09/396,531

Filing Date: 9/15/99

Inventors: Randall Addington et al.

Title: Bowler's Aid

Assistant Commissioner of Patents

Washington, D.C. 20231

Fax No: (703) 872-9306



Group Art Unit: 3711

Examiner Name: William Pierce

Attorney Docket No.: 99-1001

Amendment After Final Rejection 01/26/2005

Remarks

Applicants resubmit the Response, submitted by applicants 06/25/2004, in response to the Office Action mailed 06/18/03. The Office action 06/18/03 is the same as the Office action 1/26/2005. Except for the non-substantive personal remarks directed against applicants and applicants' attorney. These personal remarks were ordered removed and the Office action reissued without these same remarks, in the Decision on Petition 10/2/2003. Except for these personal remarks, the 06/18/2003 Office action is replicated in the Office action 01/26/2005.

The attached resubmitted 06/25/2005 Response, to the Office action 01/26/2005, meets each substantive issue raised in the same substantive Office action 06/18/2003.

Applicant submits and incorporates examiner's Advisory action 07/15/2003. That Advisory action entered applicants' amendments proposed in applicants' response 06/25/2003.

Examiner's Advisory action in response to the 01/26/2005 Office action, should there be one, should be the same as the Advisory action 07/15/2003, made in response to the 06/18/2003 Office action.

Applicants incorporate applicants' 06/25/2003 response to the 06/18/2003, Office action, and the 07/15/2003 Advisory action, attached hereto. The 06/18/2003 Office action is incorporated and made a part of the 01/26/2003 Office action, on page 2, first full paragraph after "Detailed Action."

Applicants have filed a petition charging examiner with the unlawful act of issuing the 01/26/2005 Final Office action, and withdrawing the pending appeal.

Applicants request the unlawful Office action 1/26/2005 be withdrawn and the appeal brief be immediately answered, as directed in the Decision on Petition 10/2/2003, and as requested in the Petition Action, transmitted 03/03/2005.

Submitted,

Joel I. Rosenblatt

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Joel I. Rosenblatt 03/14/2005



PTO/SB/21 (03-03)

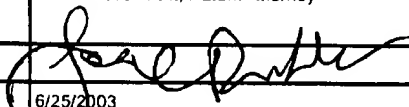
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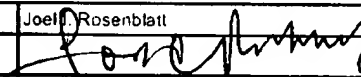
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/396,531	
	Filing Date	09/15/2003	
	First Named Inventor	Randall A. Addington	
	Art Unit	3711	
	Examiner Name	William M. Pierce	
Total Number of Pages in This Submission	9	Attorney Docket Number	99-1001

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks Enclosed is substitute Fig. 8, submitted for Examiner's approval.	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Joel I. Rosenblatt, Patent Attorney
Signature	 06/25/2003
Date	6/25/2003

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 06/25/2003	
Typed or printed	Joel I. Rosenblatt
Signature	 06/25/2003
Date	06/25/2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/396,531	09/15/1999	RANDALL A. ADDINGTON	99-1001	7582

24253 7590 07/15/2003

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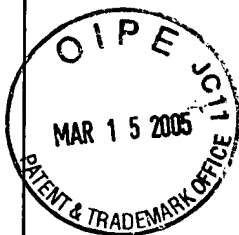
EXAMINER

PIERCE, WILLIAM M

ART UNIT PAPER NUMBER

3711

DATE MAILED: 07/15/2003



Please find below and/or attached an Office communication concerning this application or proceeding.



Advisory Action

Application No.

09/396,531

Applicant(s)

ADDINGTON ET AL.

Examiner

William M Pierce

Art Unit

3711

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY (check either a) or b))

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 33-58.

Claim(s) withdrawn from consideration: _____.

8. ☒ The proposed drawing correction filed on 6/25/03 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

WILLIAM M. PIERCE
FEBRUARY 12 2004

